

**United States Bankruptcy Court  
District of South Carolina**

IN RE:

JOSEPH CHARLES LOVELL  
PAMELA ANN LOVELL  
259 HIGGATE CIRCLE  
GREER, SC 29650

DEBTORS

CASE NO.: 07-03140-hb  
CHAPTER 13

**TRUSTEE'S NOTICE TO DEBTORS OF PLAN COMPLETION AND  
NOTIFICATION OF NEED TO FILE REQUEST FOR DISCHARGE**

TO: Debtors and Attorney for the Debtors

**Your rights may be affected. You should read these papers carefully and discuss them with your Attorney, if you have one in this Bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

The Chapter 13 Trustee has filed notice with the Court that the plan in the above case has been completed.

YOU ARE HEREBY NOTIFIED that, pursuant to Local Rule 3015-5, IF YOU BELIEVE YOU ARE ENTITLED TO A DISCHARGE, you must prepare, sign and file, within fourteen (14) days of the date of this notice, a CERTIFICATION OF PLAN COMPLETION AND REQUEST FOR DISCHARGE AND NOTICE (copies of which are attached) as they are required before a discharge can be entered. Your failure to file the required documents timely could result in the closing of the case without a discharge.

The Certification indicates that you understand and agree to the following:

**1) All plan payments have been made and you are entitled to a discharge.**

You agree that there has been no Court order which would deny you the right to a discharge, and that you meet all of the requirements for a discharge, as provided in the Bankruptcy Code. If you are not certain, please consult an attorney for advice.

**2) All amounts payable for domestic support obligations due on or before the date of your certification (including any amounts due before the filing of the bankruptcy petition to the extent provided for by the plan) have been paid. Your certification must state the current name and address of each domestic support obligation payee.**

The term "domestic support obligation" means a debt "in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child of the Debtors or such child's parent, without regard to whether such debt is expressly

designated” that accrues *before, on, or after* the date of the order for relief in a case under Title 11, including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of Title 11, that is -- owed to or recoverable by--a spouse, former spouse, or child of the Debtors or such child's parent, legal guardian, or responsible relative; or (ii) a governmental unit. 11 U.S.C. §101(14A).

**3) The provisions of 11 U.S.C. § 522(q)(1) are not applicable to your case and there are no proceedings pending against you of the kind described in 11 U.S.C. § 522(q)(1)(A) or 522(q)(1)(B).**

11 U.S.C. § 522(q) applies:

if “. . . the Debtors has been convicted of a felony (as defined in section 3156 of title 18), which under the circumstances, demonstrates that the filing of the case was an abuse of the provisions of this title (Title 11);”

11 U.S.C. § 522(q) also applies:

if “the Debtors owes a debt arising from--(i) any violation of the Federal securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934), any State securities laws, or any regulation or order issued under Federal securities laws or State securities laws; (ii) fraud, deceit, or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under section 12 or 15(d) of the Securities Exchange Act of 1934 or under section 6 of the Securities Act of 1933; (iii) any civil remedy under section 1964 of title 18; or (iv) any criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding 5 years.

**4) You have completed an instructional course concerning personal financial management as described in 11 U.S.C. § 111.**

The Debtors is not entitled to a discharge unless after filing a petition the Debtors completes an instructional course concerning personal financial management. 11 U.S.C. § 1328(g)(1). This is *in addition to* the budget and credit counseling session you undertook before the bankruptcy case was filed.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this day, I caused to be mailed a copy of the TRUSTEE'S NOTICE TO DEBTOR OF PLAN COMPLETION AND NOTIFICATION OF NEED TO FILE REQUEST FOR DISCHARGE, CERTIFICATION OF PLAN COMPLETION AND REQUEST FOR DISCHARGE, and NOTICE OF CERTIFICATION OF PLAN COMPLETION AND REQUEST FOR DISCHARGE, via first class mail, properly addressed with correct postage to:

JOSEPH CHARLES LOVELL  
PAMELA ANN LOVELL  
259 HIGHGATE CIRCLE  
GREER, SC 29650

Sidney A. Wike Jr., Esq.  
311 Pettigru St.  
Greenville, SC 29601

Date: 09/05/2012

/s/ Gretchen D. Holland

Gretchen D. Holland, Chapter 13 Trustee  
3 Caledon Court, Suite A  
Greenville, SC 29615  
864-242-0314  
864-242-3679 Facsimile

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**CERTIFICATION OF PLAN COMPLETION AND REQUEST FOR DISCHARGE**

The above-captioned debtor certifies under penalty of perjury that the following are true and correct:

- 1) All plan payments have been completed and the debtor is entitled to a discharge.
- 2) Pursuant to 11 U.S.C. § 1328(a), all amounts payable for domestic support obligations due on or before the date set forth below (including any amounts due before the filing of the bankruptcy petition to the extent provided for by the plan) have been paid to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

(repeat for multiple payees)

The debtor's employer and address:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Claims that were not discharged pursuant to 11 U.S.C. § 523(a)(2) or (4):

\_\_\_\_\_  
\_\_\_\_\_

Debts that were reaffirmed under 11 U.S.C. § 524 (c):

\_\_\_\_\_  
\_\_\_\_\_

- 3) The provisions of 11 U.S.C. § 522(q)(1) are not applicable to this case under 11 U.S.C. § 1328(h) and there are no proceedings pending against the debtor of the kind described in 11 U.S.C. § 522(q)(1)(A) or 522(q)(1)(B).

- 4) The debtor has not received a discharge in a case filed under 7, 11, or 12 of this title during the 4-year period preceding the date of the order for relief under this chapter, or in a case filed under chapter 13 of this title during the 2-year period preceding the date of such order.
- 5) The debtor has completed an instructional course concerning personal financial management described in 11 U.S.C. § 111 and has either previously filed Official Form 23 so certifying with the Court, or such certification and accompanying documents are being contemporaneously filed herewith.

The undersigned requests that a discharge be granted in accordance with 11 U.S.C. § 1328.

DATE: \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Debtor

\_\_\_\_\_  
Debtor

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DEBTORS

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**NOTICE OF CERTIFICATION OF PLAN COMPLETION AND REQUEST FOR  
DISCHARGE**

To: The Trustee and to all creditors and parties in interest:

**YOU ARE HEREBY NOTIFIED** that the above-captioned debtor has requested a discharge pursuant to 11 U.S.C. § 1328(a) in the above case. A copy of the Certification of Plan Completion and Request for Discharge is attached. **Your rights may be affected.** **You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you have any reason to believe that the provisions of 11 U.S.C. § 522(q)(1) apply to this Debtors or that there is pending any proceeding in which the Debtors may be found guilty of a felony of the kind described in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B) or that the Debtors are otherwise not entitled to a discharge, then you or your Attorney must:

1. File with the Court a written response to the Certification, specifying the basis for your response, no later than fourteen (14) days from the date of service of this Notice, and mail a copy to:

(insert Debtors' attorney name and address) and  
(insert Debtors' name and address); and

2. Attend the hearing to be held as indicated below.

PLEASE TAKE FURTHER NOTICE that no hearing will be held on the Request for Discharge unless a response is timely filed and served, in which case, the Court will conduct a hearing on \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_m., at (Court street address and city), South Carolina. No further notice of this hearing will be given.

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF REQUESTED.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Attorney/ Pro Se Debtors

\_\_\_\_\_  
Typed/ printed Name

\_\_\_\_\_  
Address / Telephone / Facsimile / E-mail